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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,734

02/19/2004

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EXAMINER

ITURRALDE, ENRIQUE W

ART UNIT

PAPER NUMBER

2179

NOTIFICATION DATE

DELIVERY MODE

02/19/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/782,734	Applicant(s) RAHMAN ET AL.	
	Examiner ENRIQUE W. ITURRALDE	Art Unit 2179	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,2,4,5,7-9,11-18,20-26,28,30-35,37-41,44,45,47-62,64-68,70-79,82-87,89 and 90.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Ba Huynh/
 Primary Examiner, Art Unit 2179

Continuation of 11. does NOT place the application in condition for allowance because: No amendments have been filed. On page 29 of the response, Applicant argues that Lamkin does not predate the instant application because there is no support in the priority documents. Examiner respectfully disagrees. In reviewing the priority documents, several, if not all, of the documents contain support for the jump and load features of Lamkin. Examiner submits that priority document 09/935756 (page 19), published as 20020078144, at least, provide support for the features relied upon in Lamkin in the Final Rejection, the features being directed to media having predefined jump points for intelligent loading, where jump points are defined for jumping between chapters or points on a media timeline. Further, priority documents 09/488345 (page 35), 09/488337 (page 35), and 09/488155 (page 35), at least, provide support for predictive analysis (i.e. analyzing the next event), though this limitation is not relied upon and is not necessary for rejecting the claim. In addition, these references, and others, are incorporated by reference in their entirety. On pages 31-34, Applicant argues that Deutscher does not describe the features of claim 33, specifically: (a) creating the second node while rendering the first media item, and (b) wherein the media timeline is configured for dynamic updating such that the metadata included in at least one node specifies a collection of nodes to be modified when the at least one node is loaded." Examiner respectfully disagrees. Deutscher teaches a rendered timeline in paragraph 0026. The timeline may be modified by making changes to the events that are presented on the timeline. The modifying includes adding of events [0027]. On pages 35-37, Applicant presents arguments for claim 49. Specifically, Applicant argues that Deutscher fails to expressly disclose: (a) during the rendering, changing one or more properties of a second node, and (b) initiating, by an event generator located on the second node, an event for communication to a parent node of the second node, wherein the event describes the changing. Examiner respectfully disagrees. In paragraphs 0026-0027, Deutscher teaches modifying the timeline by changing events on the timeline. The events are moved by a user, and any other nodes affected by the modification are automatically updated. Specifically, the following features of the timeline are affected/updated: underlying time code displaying in data grid, presentation data file, current position of master track, slide events, preview window, scheduled events, etc. More on this updating can be found in paragraph 0182. Further, Applicant states that Deutscher fails to disclose the dynamic changes because the user is making a change. The claims do not prohibit a user from updating the timeline. The remaining arguments are directed to claims were rejected in view of Lamkin. Examiner has submitted proof that Lamkin is supported by at least the priority documents above.